IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITIOIN NO. 5136 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. G.S. Godbole for the petitioner.
None for the respondent.

CORAM : ANOOP V. MOHTA, J.

DATE : 05.12.2005

. This is a writ petition filed by the plaintiff, whose application to amend the suit for partition between the parties was rejected.

2. Heard the learned Counsel appearing for the petitioner. None appeared for the respondent. Considering the averments made in this writ petition and the fact that the suit is for partition between the relatives. I am of

the view, that in a suit for partition all the parties concerned have to see, that there should be effective partition of the property involved therein. Such effective partition means, early settlement of whatever objection raised by the parties and specially in the present case, it refers to the sale deed. At this stage admittedly when the application was filed, the trial did not commence. In view of this, I see there is no reason to reject this application for amendment. However, this will be subject to the liberty of the parties to take appropriate pleas and defence which are available in the suit. Keeping all points open, the present application filed by the plaintiff is allowed.

3. In the result writ petition is allowed in terms of prayer clause (a) and (b). No order as to cost.

(ANOOP V.MOHTA,J.]